

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Farmers' and Business Mens' Telephone Co. v.	)	File No. EB-02-MDIC-0003
AT&T Corp.	)	
	)	
Forest City Telecom, Inc. v. AT&T Corp.,	)	File No. EB-02-MDIC-0007
	)	
Clarence Telephone Company, Inc. d/b/a Cedar	)	File No. EB-02-MDIC-0040
Communications v. AT&T Corp.	)	

**ORDER**

**Adopted: January 21, 2003**

**Released: January 22, 2003**

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. In November and December 2001 and April 2002, pursuant to section 1.716 of the Commission rules,<sup>1</sup> Farmers' and Business Mens' Telephone Co., Forest City Telecom, Inc., and Clarence Telephone Company, Inc. d/b/a Cedar Communications (collectively "Informal Complaint Plaintiffs") filed informal complaints against defendant AT&T Corp. ("AT&T") in the above-captioned matters. On March 11, 2002 and July 19, 2002, AT&T filed reports pursuant to section 1.717 of the Commission's rules<sup>2</sup> denying the allegations in the Informal Complaint Plaintiffs' informal complaints. Pursuant to section 1.718 of the Commission's rules,<sup>3</sup> the Informal Complaint Plaintiffs were required to convert their informal complaints into formal complaints within six months from the date of AT&T's report to ensure that the formal complaints related back to the November and December 2001 and April 2002 filing dates of the informal complaints for purposes of the statute of limitations. The Commission previously granted Informal Complaint Plaintiffs' consent motions for additional time to convert the informal complaints, allowing the Informal Complaint Plaintiffs until January 23, 2003 to file formal complaints.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 1.716.

<sup>2</sup> 47 C.F.R. § 1.717.

<sup>3</sup> 47 C.F.R. § 1.718.

<sup>4</sup> *Clarence Telephone Company, Inc. d/b/a Cedar Communications v. AT&T Corp.*, File No. EB-02-MDIC-0040, Order, DA 02-3492 (EB-MDRD rel. Dec. 20, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-3467 (EB-MDRD rel. Dec. 17, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-3305 (EB-MDRD rel. Dec. 2, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-3182 (EB-MDRD rel. Nov. 18, 2002); *Farmers' and Business Mens'* (continued....)

2. Two of the Informal Complaint Plaintiffs recently reported that they have settled their disputes and are in the processing of completing the settlement process. The remaining Informal Complaint Plaintiff also reported that it is currently engaged in substantive negotiations with AT&T to settle its dispute. In light of the progress made in the parties' continuing efforts to settle these matters, on January 17, 2003, Informal Complaint Plaintiffs filed a ninth Consent Motion To Extend Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period.<sup>5</sup> The Informal Complaint Plaintiffs request another waiver of section 1.718 of the Commission's rules and an additional extension of time until February 7, 2003, to convert their informal complaints against AT&T into formal complaints, if necessary.<sup>6</sup> Counsel for AT&T has consented to the Informal Complaint Plaintiffs' request.<sup>7</sup>

3. We are satisfied that granting the Informal Complaint Plaintiffs' consent motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Motion of Complainants For Extension of Time In Which To Convert Informal Complaints To Formal Complaint and Toll Limitations Period IS GRANTED.

5. IT IS FURTHER ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, that, unless otherwise extended by order, the deadlines that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, are hereby waived, and the date on which Farmers' and Business Mens' Telephone Co., Forest City Telecom, Inc., and Clarence Telephone company, Inc. d/b/a Cedar Communications must convert their informal complaints against

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*Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-3013 (EB-MDRD rel. Nov. 4, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2758 (EB-MDRD rel. Oct. 22, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2552 (EB-MDRD rel. Oct. 9, 2002); *Farmers' and Business Mens' Telephone Co., et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2204 (EB-MDRD rel. Sept. 25, 2002); *Mark Twain Communications Company, et al. v. AT&T Corp.* File Nos. EB-02-MDIC-003, 005-007, Order, DA 02-2204 (EB-MDRD rel. Sept. 10, 2002).

<sup>5</sup> Consent Motion Of Complainants For Extension of Time In Which To Convert Informal Complaints To Formal Complaints and Toll Limitations Period, *Farmers' and Business Mens' Telephone Co. v. AT&T Corp., et al.*, File Nos. EB-02-MDIC-003, 007, and 0040 (filed Jan. 17, 2003).

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

AT&T Corp. into formal complaints pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to February 7, 2003.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr  
Chief, Market Disputes Resolution Division  
Enforcement Bureau